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OLC: 78-3579
14 December 1978

MEMORANDUM FOR: See Distribution

FROM : Frederick P. Hitz
Legislative Counsel

SUBJECT : FY 1980 Intelligence Authorization Bill/
Proposed Legislative Program for the
First Session of the 96th Congress

1. Attached is a draft FY 1980 Intelligence Authorization bill which includes several titles designed to implement the DCI's legislative program.

2. It is essential that you contact us with your views and recommendations on the draft bill quickly, and in any case no later than 19 December. Our authorization package must be forwarded to OMB this month in order for it to be presented to the Congress concurrently with the President's budget.

STATINTL

Frederick P. Hitz

Attachment

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MORI/CDF

STATINTL

A Bill

To authorize appropriations for fiscal year 1980 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1980".

TITLE I - INTELLIGENCE ACTIVITIES

Sec. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1980 for the conduct of the intelligence and intelligence-related activities of the following departments, agencies, and other elements of the United States Government:

- (1) The Central Intelligence Agency and the Director of Central Intelligence.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

(b) The classified annex to the joint explanatory statement prepared by the Committee of Conference to accompany the Conference Report on H.R. of the Ninety-sixth Congress shall be deemed to reflect the detailed intent of the Congress with respect to the authorization of appropriations for fiscal year 1980 for intelligence and intelligence-related activities of the United States Government, including specific amounts for activities specified in subsection (a). Copies of such annex shall be made available to the Committees on Appropriations of the House of Representatives and the Senate and to the appropriate elements of the United States Government for which funds are authorized by this Act under subsection (a).

(c) Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is prohibited by the Constitution or laws of the United States.

TITLE II - INTELLIGENCE COMMUNITY STAFF

Sec. 201. (a) There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1980 the sum of \$ __, __, __

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to provide the support necessary to permit the Director of Central Intelligence to fulfill his responsibility for directing the substantive functions and managing the resources for intelligence activities.

(b) For fiscal year 1980 the Intelligence Community Staff is authorized an end strength ceiling of _____ full-time employees. Such personnel may be permanent employees or employees on detail from other elements of the United States Government so long as they are properly counted within the ceiling and there is a mix of positions to allow appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities. Any employee who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a nonreimbursable basis for a period of less than one year for performance of temporary functions as required by the Director of Central Intelligence.

(c) Except as provided in subsection (b) and until otherwise provided by law, the activities of the Intelligence Community Staff shall be governed by the Director of Central Intelligence in accordance with the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j).

TITLE III - CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability System for the fiscal year 1980 the sum of \$_____.¹

TITLE IV - EDUCATIONAL TRAVEL BENEFITS FOR DEPENDENTS OF CIA EMPLOYEES SERVING OVERSEAS

Sec. 401. The first sentence of paragraph 5924(4)(B) of Title 5, United States Code, is amended by striking out "or the United States Information Agency," and inserting in lieu thereof the following: ", the United States Information Agency, or the Central Intelligence Agency," .

TITLE V - DEATH GRATUITIES FOR CERTAIN CENTRAL INTELLIGENCE AGENCY PERSONNEL

Sec. 501. (a) The Director of Central Intelligence, under such regulations as the Director may prescribe, is authorized to provide for payment of a gratuity to the surviving dependents of any Central Intelligence Agency employee who dies as a result of injuries sustained in the performance of duty outside the United States in an amount equal

to one year's salary at the time of death. Appropriations for this purpose are authorized to be made to the account for salaries and expenses of the Central Intelligence Agency. Any death gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

(b) A death gratuity payment shall be made under this section only if the survivor entitled to payment under subsection (c) is entitled to elect monthly compensation under section 8133 of Title 5, United States Code, because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without regard to whether such survivor elects to waive compensation under such section 8133.

(c) A death gratuity payment under this section shall be made as follows:

- (1) First, to the widow or widower.
- (2) Second, to the child, or children in equal shares, if there is no widow or widower.
- (3) Third, to the dependent parent, or dependent parents in equal shares, if there is no widow, widower, or child.

If there is no survivor entitled to payment under this subsection, no payment shall be made.

(d) As used in this section-

(1) The term 'Central Intelligence Agency employee' means all personnel employed by the Central Intelligence Agency or by the Office of the Director of Central Intelligence on a full-time basis.

(2) Each of the terms 'widow', 'widower', 'child', and 'parent' shall have the same meaning given each such term by section 8101 of Title 5, United States Code; and

(3) The term 'United States' means the several States and the District of Columbia.

(c) The provisions of this section shall apply with respect to deaths occurring on or after January 1, 1970.

TITLE VI - CIA FIREARMS AUTHORITY

Sec. 601. Subsection 5(d) of the Central Intelligence Agency Act of 1949, (50 U.S.C. 403f(d)) is amended by striking out subsection 5(d) in its entirety and inserting in lieu thereof the following:

"(d) Authorize, under such regulations as the Director shall prescribe, Agency personnel, while in the discharge of their official duties, to carry firearms; Provided, That within the United States, such official duties shall include only the protection of: (i) information concerning intelligence sources or methods, or classified intelligence documents or materiel; (ii) facilities, property, or any medium of exchange owned or utilized by the Agency; (iii) the Director and the Deputy Director, and other Agency personnel as may be designated by the Director or Deputy Director, such designations to be made only upon determination of the Director or Deputy Director that a specific

stated exigency warrants such protective action, which is to be terminated, unless sooner renewed in the same fashion, upon expiration of the exigency or as specified in the designation order or at the end of 120 days, whichever is sooner; and (iv) defectors and foreign persons visiting the United States under Agency auspices; and Provided further, that such duties shall include the transportation and utilization of firearms for authorized training;"

TITLE VII - UNAUTHORIZED DISCLOSURE OF IDENTITIES OF CERTAIN INDIVIDUALS ENGAGED IN FOREIGN INTELLIGENCE ACTIVITIES

Sec. 701. (a) Whoever, in the course of service as an officer, employee, contractor, or employee of a contractor of the United States, learns or obtains, or comes into possession or control of any information identifying or tending to identify any officer, employee, source, or other person or entity who has assisted, provided information to, or otherwise cooperated with any agency or department having foreign intelligence or counterintelligence responsibilities and whose relationship with such agency or department is not publicly and officially acknowledged by the United States, does willfully disclose, communicate, provide, transmit, publish or otherwise reveal such information to anyone not authorized to receive, learn of, or have access to it shall be imprisoned for not more than ten years or be fined \$100,000 or both.

(b) Whenever in the judgment of the Director of Central Intelligence any person is about to engage in conduct that would constitute a violation of subsection (a) the Attorney General, on behalf of the United States, may make application to the appropriate court for an order enjoining such conduct, and upon a showing that a person is about to engage in such conduct a permanent or temporary injunction, restraining order, or other order may be granted.

(c) Any proceeding by a court for the purpose of determining whether any material constitutes the type of information described in subsection (a) shall be held in camera.

TITLE VIII - FREEDOM OF INFORMATION ACT AMENDMENT

Sec. 801. Subsection 552 (c) of Title 5, United States Code, is amended by adding at the end thereof the following:

"Nothing in this section shall be construed to require any agency or department having foreign intelligence or counterintelligence responsibilities to search for information in records pertaining to:

(i) The organization or budget of the Central Intelligence Agency, including the official titles, duties, salaries, names or numbers of personnel employed or otherwise affiliated with it;

- (ii) The design, function, deployment, exploitation or utilization of, the authorization or appropriation of funds for, or the information derived from, scientific and technical systems for the collection of foreign intelligence or counterintelligence information;
- (iii) Foreign intelligence or counterintelligence operations including investigations conducted in connection with the use of potential foreign intelligence or counterintelligence sources, or information derived therefrom;
- (iv) Intelligence and security liaison arrangements or information exchanges with foreign intelligence or security services, or information derived therefrom."